

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
(NEWARK VICINAGE)

DEBORAH FELLNER,

Plaintiff,

v.

TRI-UNION SEAFOODS, L.L.C.,  
d/b/a CHICKEN OF THE SEA,

Defendant.

: CIVIL ACTION NO. 2:06-CV-688 (DMC)-MF

:  
: CERTIFICATION OF KENNETH A.  
: SCHOEN IN OPPOSITION TO  
: PLAINTIFF'S MOTION SEEKING TO  
: STRIKE DEFENDANT'S MOTION  
: SEEKING JUDICIAL NOTICE FOR  
: CERTAIN DOCUMENTS

Kenneth A. Schoen hereby certifies as follows:

1. I am an attorney admitted to practice law in the state and federal courts of New Jersey and a partner with the law firm of Bonner Kiernan Trebach & Crociata, LLP, counsel for defendant Tri-Union Seafoods, L.L.C. d/b/a/ Chicken of the Sea in the above-captioned matter. I am fully familiar with the factual and procedural history of this case.

2. I submit this certification in opposition to Plaintiff's motion seeking to strike Tri-Union's motion requesting judicial notice of certain documents.

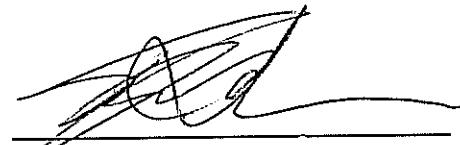
3. Annexed as Exhibit "A" is true and accurate copy of the publicly available document, "Is Mercury in Fish a Safety Concern?," excerpted from the FDA Consumer, May, 1995 update.

4.. Annexed as Exhibit "B" is a true and accurate copy of the publicly available document "FDA Announces Advisory on Methylmercury in Fish" dated January 12, 2001 prepared by the FDA Press Office.

5. Annexed as Exhibit "C" is a true and accurate copy of the publicly available document "Letter Responding to Health Claim Petition dated November 3, 2003 (Martek Petition): Omega-3 Fatty Acids and Reduced Risk of Coronary Heart Disease" dated September 8, 2004, published by CFSAN/Office of Nutritional Products, Labeling, and Dietary Supplements, written by William K. Hubbard, Associate Commissioner for Policy and Planning.

I certify that the foregoing statements made by me are true, and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: November 2, 2009



Kenneth A. Schoen (#KS-7180)